IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WA.No. 1038 of 2007()

AGAINST THE JUDGMENT IN WPC.4720/2006 Dated 01/03/2007
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APPELLANT: PETITIONER IN WP

B.GOPALAKRISHNAN KARTHA,
UD CLERK, G.H.S.AYYANKAVU, KUTHUKUZHY P.O.,
KOTHAMANGALAM.

BY ADV. SRI.P.ALI

RESPONDENTS: RESPONDENTS IN WP
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, GENERAL EDUCATION (C) DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR GOVERNMENT
EXAMINATIONS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A. NO. 1038 OF 2007
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Dated this the 12th day of April, 2007

J U D G M E N T

Raman, J.

The appellant is the petitioner who commenced his service as Lower Division Clerk in the Government High School in December 1990, and as on that date, the date of birth entered in the SSLC Book was 25/7/54. Accordingly, the service book entries were also made in tune with the entires in SSLC Book. Several years thereafter, according to the petitioner, he found out a mistake in the entries relating to the date of birth and ultimately got corrected and so automatically service records should also be corrected. We have already taken the view that there is no fundamental right for a person to get the date of birth corrected in the service records. Admittedly the petitioner did not apply for correction of the date of birth in the service records in terms of Ext.P7 Government Order. But according to the petitioner in similar situation, relaxation has been made by the Government in appropriate cases, considering the hardship that may be caused

especially when the mistake is not that of the petitioner. According to him, he has already submitted representation before the Government as Exhibit P9. In the circumstances, he prays that Ext.P9 may be directed to be considered and disposed of. But the learned Single Judge found as per the judgment impugned that the Government had already rejected the representation earlier filed by the petitioner and in terms of Ext.P7, no relief could be granted. Petitioner is not able to make out a case for interference in this appeal. However, we make it clear that the dismissal of the original petition will not stand in the way of Government considering the matter, if they are so pleased in exercise of their power as an Appointing Authority.

Writ appeal is dismissed subject to what is stated above.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp